

**Commission on Peace Officer Standards and Training**

1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: May 18, 2007

Bulletin: No. 2007-13

Subject: Notice of Proposed Regulatory Action – Academy Instructor Certificate Program Participation - Regulations 1009, 1070, 1071, 1082, 1083

At its 2006 meetings, the Commission approved a significant component of its Strategic Plan objective to establish incremental training and certification standards for all who teach in POST-certified training courses. Commission action approved the mandating of the voluntary Academy Instructor Certificate Program (AICP).

Go to www.post.ca.gov/RegulationNotices/RegulationNotices.asp to access these related documents:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Please direct inquiries about this proposed regulatory action to Patricia Cassidy, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Patti.Cassidy@post.ca.gov, by telephone at 916.227.4847, or by FAX at 916.227.5271. Bryon Gustafson is the back-up contact person for this proposal; he is available by email at Bryon.Gustafson@post.ca.gov, or by telephone at 916.227.3902.

HAL SNOW

Interim Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Academy Instructor Certificate Program (AICP) Participation
Regulations 1009, 1070, 1071, 1082, and 1083

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest.

A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by July 2, 2007, at 5:00 PM

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at 916.227.5271 or by letter to the:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA, 95816-7083

Following the close of the public comment period, the Commission may adopt the proposal substantially as described below or may modify the original proposal with sufficiently related changes. With the exception of technical or grammar changes, the full text of a modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes to the proposal.

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code §13503 – POST powers and §13506 - POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code §13503 (e) - POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses, and Penal Code §13519.12 - POST authority to establish training standards involving the responsibilities of first responders to terrorism incidents and training standards for related instruction.

Informative Digest/Policy Statement Overview

For more than a decade, POST has pursued its Strategic Plan objectives to develop training and certification standards for all who teach in POST-certified training courses. From the outset, POST made three underlying assumptions: 1) instructors who present POST training courses must be trained, 2) POST must establish standards for initial and ongoing training to ensure universal instructor competency, and 3) implementation of instructor standards will take place over time to avoid undue burdens on POST training presenters. This incremental approach has proven to be effective and has allowed POST to collaborate with its training partners in developing components and standards.

The impetus for POST instructor standards evolved from the following:

- State training standards for instructors are lacking.
- Other POST-type agencies have been establishing instructor training and certification requirements.
- The POST Strategic Plan Objective, established almost a decade ago, calls for POST to transform its training from primarily lecture-based (instructor-centered) to an adult-experiential learning (student-centered) approach.

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California law enforcement and POST both recognize the benefits of student-participative learning. POST also recognizes that most instructors have to be “retooled” for this new approach to instruction. The transition to adult-experiential learning has unquestionably fueled the drive to establish instructor training and certification standards.

Instructor competency is arguably the most critical infrastructure component of the training delivery system for California law enforcement. Other components include curriculum content, testing, funding, and facilities. The Commission has a lengthy and commendable record of accomplishment in supporting the instructor infrastructure need. The most recent, and perhaps most significant incremental added component, was the January 2006 Commission action mandating the Academy Instructor Certificate Program (AICP). This action has necessitated numerous supporting activities, including the proposed amendments listed below.

Regulation 1009 amendments delete the *voluntary* provisions of the AICP, provide for the designation of POST-Certified Instructor, and establish a July 1, 2007, effective date for AICP participation.

Regulation 1070 amendments provide that the Academy Instructor Certification Course is a prerequisite to most of the specialized instructor courses effective July 1, 2007.

Regulation 1071 amendments delete a duplicative academy instructor requirement and make conforming changes.

Regulation 1082 amendments restate that the Academy Instructor Certification Course (AICC) is a prerequisite to most of the specialized instructor courses listed in this section as of July 1, 2007. The regulations also list courses that are exempt from the proposed AICC prerequisite, eliminate course components that duplicate the AICC component of adult learning concepts, and make other needed changes.

Regulation 1083 amendments delete the duplicative Academy Instructor Development Course requirement in favor of establishing a single minimum training and certification requirement (Academy Instructor Certification Course).

The cumulative effect of these proposed changes will require that all newly appointed (on or after July 1, 2007) instructors of Regular Basic Course components complete a 24-hour instructor development course before instructing. Instructors must meet POST instructor standards. Any academy presenters who use or attempt to use instructors who have not satisfied the minimum training standard may lose academy certification pursuant to Commission Regulation 1058.

Local Mandate - This proposal does not impose a mandate on local agencies or school districts.

Fiscal Impact Estimates - This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with § 17500) of the Government Code, Division 4. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

Costs or Savings to State Agencies - POST anticipates no additional costs or savings to state agencies.

Business Impact/Small Businesses - The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other

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states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Assessment Regarding Effect on Jobs/Businesses - The Commission has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs, will not result in the elimination of existing businesses or the creation or expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses - The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs - None.

Alternatives - The Commission must determine that no reasonable alternative considered by the agency, or otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

Contact Persons – Please direct inquiries or comments about this proposed regulatory action to the following individuals:

Patricia Cassidy,
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA, 95816-7083
916.227.4847
Patricia.Cassidy@post.ca.gov
916.227.5271(FAX)

Bryon Gustafson
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA, 95816-7083
916.227.3902
Bryon.Gustafson@post.ca.gov.

Text of Proposal - Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>

Availability and Location of the Rulemaking File and the Final Statement of Reasons - The rulemaking file contains the above-mentioned documents and all information upon which POST is basing this proposal and available for public inspection by contacting the person named above. To request a copy of the Final Statement of Reasons once it has been prepared submit a written request to the contact person name above.